
(1997) 07 AP CK 0089

In the Andhra Pradesh High Court

Case No : Writ Petition No. 7940 of 1997

M. Usanamma and Another

APPELLANT

Vs

Principal Secretary to Govt. and Others

RESPONDENT

Date of Decision : 01-07-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1997) 4 ALT 687

Hon'ble Judges : M.H.S. Ansari, J

Bench : Single Bench

Advocate : N. Ashok Kumar, for the Appellant; Govt. Pleader for Land Acquisition, for the Respondent

Judgement

M.H.S. Ansari, J.—Heard Mr. M. Ashok Kumar, learned Counsel for petitioner and learned Government Pleader for Land Acquisition.

2. The petitioners are seeking a Writ in the nature of mandamus for implementation of G.O.No. 270 dt.16-10-1995. By the said Government Order, the Government has permitted the deposit of an amount of Rs. 13.60 lakhs for payment of enhanced compensation for the lands acquired for Gajuladinne Project as per the orders passed in the petitions filed in the Court of Subordinate Judge, Adoni.

3. The Petitioner is the owner of land in Survey No. 449 to an extent of Ac.2.82 cents which was acquired pursuant to a notification ordered u/s 4(1) of the Land Acquisition Act and Award No. 4/1979 dt.24-7-1979 was passed by the Land Acquisition Officer. Subsequently, the compensation was enhanced on petition filed u/s 18 of the Land Acquisition Act by orders dt.11-8-1987 passed in O.P.44/85. Likewise the second petitioners land in Survey No. 21 to an extent of Ac. 3.73 1/2 cents was acquired and on reference the compensation was enhanced in O.P.No. 356 of 1977 dt.31-7-1991. The petitioners have filed E.P.Nos. 108/92 and 10/92 respectively.

4. It is the contention of the learned Counsel for petitioner that the State Government after having obtained a report from the District Collector permitted the deposit of the decretal amount into the Court and in spite of said orders having been issued as far back as 16-10-1995 no action has been taken thereon nor any amounts have been deposited into the Court for satisfaction of the decrees.

5. A similar matter was considered by this Court in Billa Linga Reddy Vs. The Revenue Divisional Officer and others, . The Court in the above case observed that the object and intendment of the Land Acquisition Act, 1894 which enables the authorities to divest a person of his property for public purpose by compensating him in terms of money, is to see that the person depriving of his property for public purpose should be paid money at the earliest possible time so as to rehabilitate him by enabling him to purchase alternative property or to invest otherwise. If that is not done, it was held, due process of law is violated. The directions were accordingly issued in that case for deposit of the decretal amount into the Court."

6. In the light of the above and keeping in view the directions already issued in G.O.No. 270 dt.16-10-1995 the Writ Petition is accordingly disposed of with a direction to respondent authorities to implement the orders issued by the Government in G.O.No. 270 dt.16-10-1995 Irrigation and Command Area Development (Irr.III) Department, within a period of three months from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition is disposed of, but in the circumstances without cost?.